

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

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Southern District of Texas

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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-9042
Owner: City of Laredo, et al.
Acres: 801.077

801.077 acres, more or less, located in Abstract 273, Porcion 96, as identified in the parent tract contained in General Warranty Deed, Document # 2016-328916, recorded on March 22, 2016 at Volume 1473, page 775 in the deed records of Starr County:

A tract of land consisting of 933.542 acres situated in the County of Starr, Texas, Consisting of: 10.344 acres out of La Chicharra Banco 94, 16.676 acres out of Villarreales Segundo Banco 136, according to the plat thereof recorded in Volume 1, Page 6, Map Records of Bancos, Starr County Texas, 3.962 acres out of tract 184, 101.483 acres out of tract 175, Porcion 95, Ancient Jurisdiction of Camargo, Mexico, now Starr County, Texas, and 801.077 acres out of Porcion 96, Ancient Jurisdiction of Camargo, Mexico, now Starr County, Texas, which said 933.542 acres were conveyed to Annette K. Berry, Sharon E. Katz and Carol K. Fisherman by virtue of a Warranty Deed thereof recorded in Volume 565, Page 227, Starr County Deed Records, said 933.542 acres also being more particularly described as follows:

Beginning at a No. 4 rebar set on the Southwest corner of Tract 175, Southeast corner of Tract 180 and on the North line of Tract 183, Porcion 95, Ancient Jurisdiction of Camargo, Mexico, now Starr County, Texas, for the Southwest corner of this herein described tract;

1. THENCE, N 28° 30' 14" E along a West line of said Tract 175 and an East line of said Tract 180, a distance of 701.50 feet to a No. 4 rebar set for an angle point of this tract;
2. THENCE, N 29° 28' 14" E along a West line of said Tract 175, an East line of said Tract 180 and an East line of Tract 174, at a distance of 263.85 feet pass the Northeast corner of said Tract 180 and the Southeast corner of said Tract 174, continuing a total distance of 804.30 feet to a No. 4 rebar set for an angle point of this tract;
3. THENCE, N 34° 31' 14" E along a West line of said Tract 175, an East line of said Tract 174 and an East line of Tract 171, at a distance of 249.87 feet pass the Northeast corner of said Tract 174 and the Southeast corner of said Tract 171, continuing a total distance of 595.00 feet to a No. 4 rebar set for an angle point of this tract;
4. THENCE, N 29° 42' 14" E along a West line of said Tract 175 and an East line of said Tract 171, a distance of 1,133.08 feet to a No. 4 rebar set on the Northwest corner of said Tract 175, the Northeast corner of said Tract 171 and a South line of said Los Villarreales Banco 136, for an outside corner of this tract;

5. THENCE, S 89° 15' 00" E along the North line of said Tract 175 and a South line of said Los Villarreales Banco 136, at a distance of 789.40 feet pass the Northeast corner of said Tract 175 and the East line of said Porcion 95 and the West line of Porcion 96, Ancient Jurisdiction of Camargo, Mexico, now Starr County, Texas, continuing a total distance of 1,244.51 feet to a No. 4 rebar set on a South line of said Los Villarreales Banco 136, for an outside corner of this tract;
6. THENCE, S 75° 53' 00" E along a South line of said Los Villarreales Banco 136, a distance of 544.42 feet to a No. 4 rebar set on a South line of said Los Villarreales Banco 136, for an inside corner of this tract;
7. THENCE, N 30° 13' 46" E a distance of 491.97 feet to a No. 4 rebar set for an angle point of this tract;
8. THENCE, N 26° 35' 59" E a distance of 177.50 feet to a No. 4 rebar set for an outside corner of this tract;
9. THENCE, N 42° 25' 59" E a distance of 296.97 feet to a No. 4 rebar set on a North line of said Los Villarreales Banco 136, for an inside corner of this tract;
10. THENCE, N 43° 51' 00" W along a North line of said Los Villarreales Banco 136, a distance of 1,294.47 feet to a No. 4 rebar set on a North line of said Los Villarreales Banco 136, for an outside corner of this tract;
11. THENCE, N 17° 16' 00" W along a North line of said Los Villarreales Banco 136, a distance of 708.75 feet to a No. 4 rebar set (Northing: 16619170.622, Easting: 939016.259) on a North line of said Los Villarreales Banco 136, the West line of said Porcion 96, the East line of said Porcion 95, and the Southeast corner of Tract 170, for an outside corner of this tract;
12. THENCE, N 09° 20' 59" E along the West line of said Porcion 96 and the East lines of Tracts 170, 155, 139, 141, 136 and 137, Porcion 95, at a distance of 1,945.83 feet pass the Northeast corner of said Tract 170 and the Southeast corner of said Tract 155, at a distance of 2,637.07 feet pass the Northeast corner of said Tract 155 and the Southeast corner of said Tract 139, at a distance of 2,837.79 feet pass an outside corner of said Tract 139 and the Southeast corner of said Tract 141, at a distance of 5,337.42 feet pass the Northeast corner of said Tract 141 and the Southeast corner of said Tract 136, at a distance of 7,190.56 feet pass a No. 4 rebar found on an outside corner of said Tract 136, and the Southeast corner of said Tract 137, at a distance of 8,138.06 feet pass an Iron Pipe found at the Northeast corner of said Tract 137 and on an outside corner of said Tract 136, continuing a total distance of 9,586.43 feet to a No. 4 rebar set (Northing: 16628629.697, Easting: 940573.669) on the Northeast corner of said Tract 136, on the West line of said Porcion 96 and the East line of said Porcion 95, and on the apparent South right-of-way line of Old Military Road, for the Northwest corner of this tract;

13. THENCE, S 72° 07' 01" E along the apparent South right-of-way line of Old Military Road, a distance of 2,788.85 feet to a No. 4 rebar set on the apparent South right-of-way line of Old Military Road, for the Northeast corner of this tract;

14. THENCE, S 09° 22' 59" W along the East line of said Porcion 96 and the West line of Porcion 97, Ancient Jurisdiction of Camargo, Mexico, now Starr County, Texas, at a distance of 7,792.23 feet pass a No. 4 rebar set on the East line of said Porcion 96 and the West line of said Porcion 97 and on a North line of La Chicharra Banco 94, at a distance of 8,615.23 feet pass a No. 4 rebar set for a South line of said La Chicharra Banco 94, continuing a total distance of 9,385.33 feet to a No. 4 rebar set on the Southwest corner of Porcion 97, for an outside corner of this tract;

15. THENCE, S 39° 46' 59" W, along the East line of said Porcion 96, a distance of 114.04 feet to a No. 4 rebar set for an angle point of this tract;

16. THENCE, S 32° 36' 59" W, along the East line of said Porcion 96, a distance of 400.00 feet to a No. 4 rebar set for an angle point of this tract;

17. THENCE, S 19° 59' 59" W, along the East line of said Porcion 96, a distance of 479.34 feet to a No. 4 rebar set for an outside corner of this tract;

18. THENCE, along the high bank of the Rio Grande River as follows:

S 49° 16' 27" W a distance of 376.45 feet to a No. 4 rebar set for an angle point of this tract;

S 41° 09' 47" W a distance of 128.61 feet to a No. 4 rebar set for an angle point of this tract;

S 34° 07' 24" W a distance of 90.87 feet to a No. 4 rebar set for an angle point of this tract;

S 29° 26' 42" W a distance of 319.60 feet to a No. 4 rebar set for an angle point of this tract;

S 32° 21' 27" W a distance of 199.04 feet to a No. 4 rebar set for an angle point of this tract;

S 13° 25' 14" W a distance of 338.67 feet to a No. 4 rebar set for an angle point of this tract;

S 16° 23' 20" W a distance of 160.45 feet to a No. 4 rebar set for an angle point of this tract;

S 03° 46' 57" W a distance of 491.18 feet to a No. 4 rebar set for an angle point of this tract;

S 01° 15' 08" W a distance of 1,602.50 feet to a No. 4 rebar set for the Southeast corner of this tract;

S 21° 28' 59" W a distance of 169.81 feet to a No. 4 rebar set for an angle point of this tract;

S 29° 17' 39" W a distance of 157.02 feet to a No. 4 rebar set for an angle point of this tract;

S 48° 17' 37" W a distance of 324.29 feet to a No. 4 rebar set for an angle point of this tract;

S 59° 13' 36" W a distance of 145.92 feet to a No. 4 rebar set for an angle point of this tract;

S 64° 34' 38" W a distance of 237.71 feet to a No. 4 rebar set for an angle point of this tract;

S 76° 39' 02" W a distance of 158.49 feet to a No. 4 rebar set for an angle point of this tract;

N 89° 27' 35" W a distance of 185.03 feet to a No. 4 rebar set for an angle point of this tract;

S 80° 10' 13" W a distance of 179.16 feet to a No. 4 rebar set for an angle point of this tract;

N 83° 20' 38" W a distance of 200.22 feet to a No. 4 rebar set for an angle point of this tract;

N 88° 03' 40" W a distance of 253.36 feet to a No. 4 rebar set for an angle point of this tract;

N 80° 50' 57" W a distance of 150.24 feet to a No. 4 rebar set for an angle point of this tract;

N 87° 45' 31" W a distance of 370.42 feet to a No. 4 rebar set for an angle point of this tract;

S 88° 41' 26" W at a distance of 73.14 feet pass the West line of said Porcion 96 and the East line of said Porcion 95, continuing a total distance of 144.26 feet to a No. 4 rebar set for an angle point of this tract;

S 81 ° 22' 23" W a distance of 163.27 feet to a No. 4 rebar set for an angle point of this tract;

S 76° 53' 13" W a distance of 177.08 feet to a No. 4 rebar set for an angle point of this tract;

S 83° 47' 02" W a distance of 166.68 feet to a No. 4 rebar set for an angle point of this tract;

S 71° 30' 03" W a distance of 128.55 feet to a No. 4 rebar set on the West line of said Tract 184 and an East line of said Tract 183, for an outside corner of this tract;

19. THENCE, N 09° 16' 14" E along the West line of said Tract 184 and the East line of said Tract 183, a distance of 367.60 feet to a No. 4 rebar set on the Northwest corner of said Tract 184 and the Northeast corner of said Tract 183, and on a South line of said Tract 175, for an inside corner of this tract;

20. THENCE, N 84° 13' 46" W along the South line of said Tract 175 and a North line of said Tract 183, a distance of 391.10 feet to a No. 4 rebar set on an angle point of said Tracts 175 and 183, for an angle point of this tract;

21. THENCE, N 59° 15' 46" W along a North line of said Tract 183 and South line of said Tract 175, a distance of 139.00 feet to a No. 4 rebar set on an inside corner of said Tract 183 and on an outside corner of said Tract 175, for an outside corner of this tract;

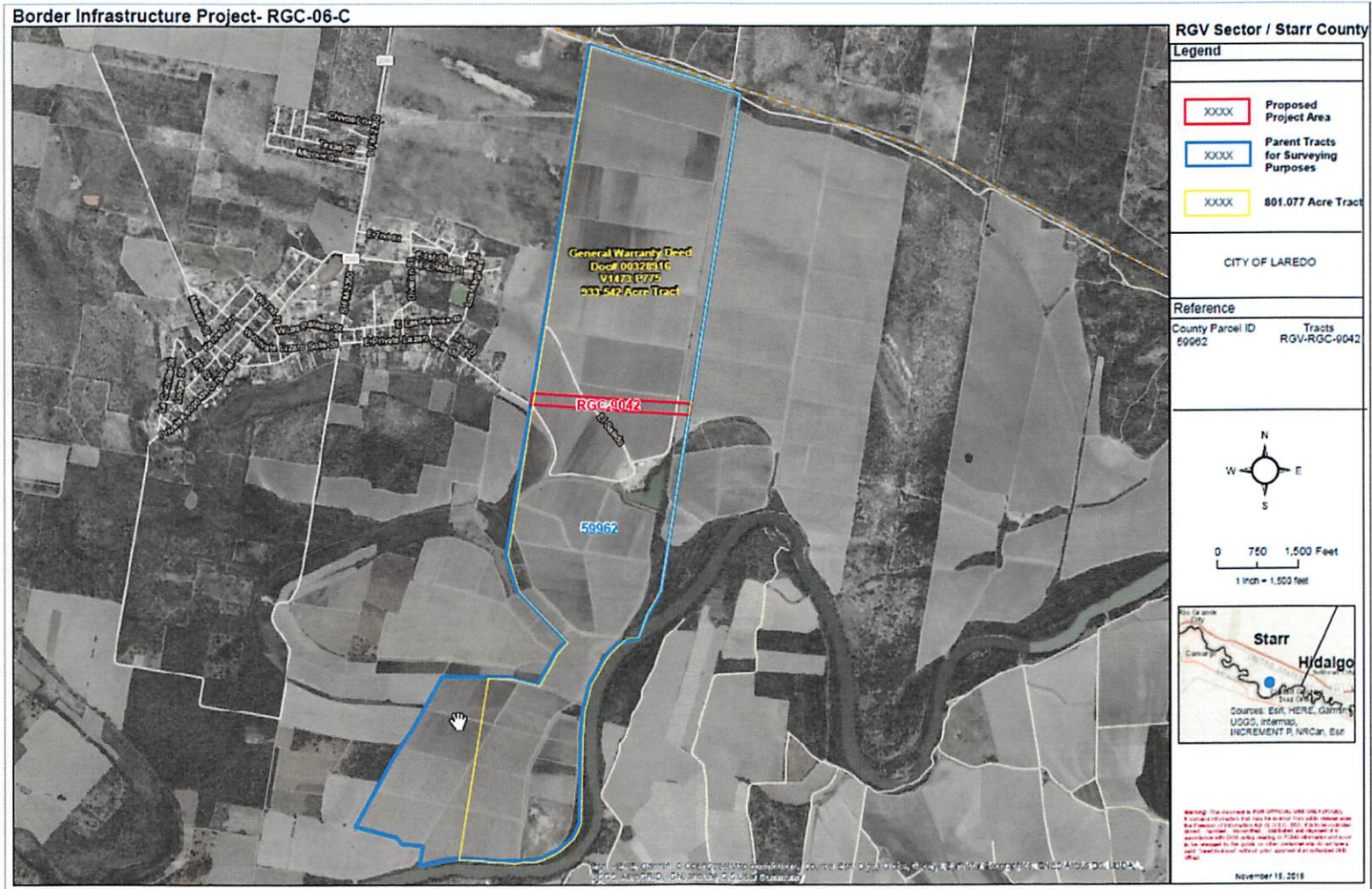
22. THENCE, N 22° 45' 14" E along a line of said Tracts 175 and 183, a distance of 51.00 feet to a No. 4 rebar set on an inside corner of said Tract 175 and an outside corner of said Tract 183, for an inside corner of this tract;

23. THENCE, N 75° 04' 46" W along a North line of said Tract 183 and a South line of said Tract 175, a distance of 799.00 feet to the POINT OF BEGINNING and containing 933.542 acres of land, more or less.

SCHEDULE D

SCHEDULE D

MAP or PLAT



LAND TO BE CONDEMNED

Tract: RGV-RGC-9042
Owner: City of Laredo, et al.
Acreage: 801.077

* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above.

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-9042
Owner: City of Laredo, et al.
Acres: 801.077

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

SCHEDULE G

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Megan Eyes, United States Attorney's Office, SDTX, 1701 West Bus.
Hwy. 83, Suite 600, McAllen, TX 78501

DEFENDANTS

801.077 ACRES OF LAND, MORE OR LESS, SITUATE IN STARR COUNTY, STATE OF TEXAS; AND CITY OF LAREDO, ET AL.,

County of Residence of First Listed Defendant Starr

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for temporary easement (right of entry) to survey and conduct testing

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/26/18

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE